

**BEFORE THE
MISSOURI ETHICS COMMISSION**

Filed
NOV 30 2018
**Missouri Ethics
Commission**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 17-0010-A
v.)	
)	
MARY K. STAMBERGER,)	
)	
Respondents.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondent, Mary K. Stamberger, acknowledges that she has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and she submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that she is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waive each and every one of these rights and freely enter into this Joint Stipulation of Facts, Waiver of

Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agree to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.¹

2. Respondent Stand up Northland is a continuing committee that was registered with the Missouri Ethics Commission on June 18, 2012 by filing a Statement of Committee Organization.

3. Respondent Stamberger was named as the committee's treasurer on the Statement of Committee Organization.

4. The Statement of Committee Organization was amended on December 24, 2012, May 11, 2015, and October 27, 2016.

5. Respondent Stand up Northland filed a termination statement on November 2, 2017.

¹ Unless noted otherwise, all statutory references are to the Revised Statutes of Missouri 2000 (Supp. 2017).

6. Pursuant to Sections 105.959 and 105.961, RSMo, the Commission's staff investigated the reports and statements filed with the Commission and reported the investigation findings to the Commission.

7. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

COUNT I

Cash expenditures in excess of limits

8. Respondent made a \$100.00 cash expenditure on July 22, 2016, which exceeded the \$50 allowable amount for each expenditure made.

COUNT II

Failure to accurately report money on hand

9. Respondent failed to accurately report beginning and ending money on hand on the 2016 July Quarterly Report.

Report Name	From	To	Reported		Actual	
			MOH Beginning of Period	MOH End of Period	MOH Beginning of Period	MOH End of Period
2016 July Quarterly Report	1/1/16	6/30/16	\$580.26	\$410.26	\$630.32	\$450.32

COUNT III

Failure to timely and accurately report expenditures

10. Respondent failed to report two monetary expenditures of \$100.00 or less, totaling \$10.00.

Expenditure Name	Amount	Date	Report Not Showing Expenditure
Community America Credit Union	\$5.00	4/15/16	2016 July Quarterly Report
Community America Credit Union	\$5.00	5/15/16	2016 July Quarterly Report
Total	\$10.00		

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Cash expenditures in excess of limits

11. For purposes of Chapter 130, RSMo, cash means “currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor.” § 130.011(6), RSMo.

12. “Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of Section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate.” § 130.031.2, RSMo.

13. There is probable cause to believe that Respondent violated Section 130.031.2, RSMo, by making a \$100.00 cash expenditure on July 22, 2016, which exceeded the \$50 allowable amount for each expenditure made, and that Respondent did so knowingly.

COUNT II

Failure to accurately report money on hand

14. Pursuant to Sections 130.041.1(2) and 130.041.1(5), RSMo, Respondent was required to disclose the amount of cash on hand as of the beginning of the reporting period and the closing date of the reporting period.

15. There is probable cause to believe that Respondent violated Sections 130.041.1(2) and 130.041.1(5), RSMo, by failing to accurately report beginning and ending money on hand on the 2016 July Quarterly Report, and that Respondent did so knowingly.

COUNT III

Failure to timely and accurately report expenditures

16. Committees are required to report expenditures for each reporting period, including:

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

§ 130.041.1(4)(d), RSMo.

17. There is probable cause to believe that Respondent Section 130.041.1(4)(d), RSMo, by failing to report two monetary expenditures totaling \$10.00, and that Respondent did so knowingly.

II.

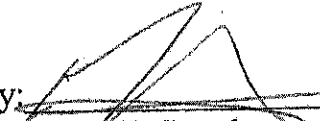
Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. Respondent understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.
 - a. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
 - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$110, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pay \$101 of that fee within 45 days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
 - c. Regardless of the stay in paragraph 2.b above, if Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then the Respondent will be required to pay the remainder of the fee. The fee will due immediately upon final adjudication finding that such Respondent has committed such a violation.
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

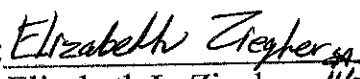
4. Respondent, together with her heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

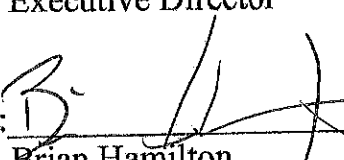
SO AGREED:

RESPONDENT MARY K. STAMBERGER

By: 
Mary K. Stamberger Date 11-29-18

PETITIONER MISSOURI ETHICS
COMMISSION

By: 
Elizabeth L. Ziegler Date 11/30/2018
Executive Director

By: 
Brian Hamilton Date 11/30/18
Attorney for Petitioner

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CONSENT ORDER


The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondent Mary Stamberger, violated Sections 130.031.2, 130.041.1(2), 130.041.1(4)(d), and 130.041.1(5), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$110, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pay \$101 of that fee within 45 days after the date of the Order, the remainder of the fee will be stayed. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
3. Regardless of the stay in paragraph 2 above, if Respondent commits any further violation of the campaign finance laws under Chapter 130, RSMo, within the two-year period from the date of this order, then the Respondent will be required to pay the

remainder of the fee. The fee will due immediately upon final adjudication finding that Respondent has committed such a violation.

SO ORDERED this 29 day of November, 2018

By: 

Don Summers, Chair
Missouri Ethics Commission